

REMARKS

Claims 1-18 are currently pending in this application. By the office action of January 13, 2005, claims 1-18 were rejected under 35 USC § 103(a) as being unpatentable over Reichmeyer US Patent 6,286,038 in view of Synnestvedt US Patent 6,598,038. The Applicant respectfully traverses these rejections. Reconsideration is requested.

Drawings

New corrected drawings were requested. New formal drawings are submitted with this response.

Claim Amendments

Most of the claims have been amended by replacing the word "binary" with the phrase "control software". The present specification, particularly at Paragraphs 16 and 37, makes it clear that the terms binary and binary code mean the control software that operates the processor 50. Such code or software is clearly different from a configuration file that identifies certain parameters, but is not control or operating software or code. In the present invention, the configuration file includes the name of the appropriate control software file or binary file. This change in wording is not intended to change the meaning of the claims since the terms are defined to be the same in the specification. The change is made only to make the claims more clear and to avoid any confusion with use of the term "binary" to generically describe other types of files in other publications.

Claim Rejections – 35 USC 103

With reference to claim 1, the Examiner asserts that Reichmeyer disclosed the invention substantially as claimed. In particular, the Examiner asserts that Reichmeyer teaches a method for initializing a customer premises telecommunications hub having a link to a central office (Fig. 3) comprising:

obtaining a configuration file name and a domain name (Col. 6, lines 31-42; Col. 9, lines 15-33) of a TFTP file server (Col. 2, lines 52-58; Col. 3, lines 41-54) from a DHCP server in a central office (Fig. 1, items 10-16; Fig. 3, item 26; Col. 4, lines 4-30), and

obtaining a configuration file, including a first binary file name, from the TFTP file server (Col. 3, lines 41-54) and a model ID identifying the model of the Hub (Col. 8, lines 18-32).

The Applicant disagrees with many of the Examiner's characterizations of the teachings of Reichmeyer. For example, Reichmeyer never mentions a telecommunications hub or a central office. Reichmeyer never mentions control software or the control software file name. Reichmeyer never teaches any method for locating and downloading control software.

Reichmeyer does not teach obtaining a configuration file name from a DHCP server. Reichmeyer teaches no reason for obtaining a configuration file name. Reichmeyer teaches that the device being configured obtains configuration INFORMATION from a server and then the device constructs its own configuration file, see step 78 in Fig. 4, and Col. 6, lines 39-42. Reichmeyer does not teach obtaining a domain name of a TFTP server from the DHCP server.

Reichmeyer does not teach obtaining a configuration file. Instead it teaches obtaining configuration information and constructing a file in the device being configured. Reichmeyer does not suggest that the information would include a file name for control software. Reichmeyer teaches nothing about downloading control software.

Reichmeyer does not teach obtaining a model ID from the TFTP server. Instead Reichmeyer teaches that the model ID is provided to the server.

The Examiner notes that Reichmeyer does not expressly disclose creating a second binary file name by combining a model ID with at least part of the first binary file name. The Examiner asserts that Synnestvedt teaches "configuration files used to define the equipment's operating mode such as class and type of service, and ...creating additional message log file and a parser that performs the matching and comparing of file name..." Col. 5, lines 10-67. The Examiner then asserts that it would have been obvious to incorporate Synnestvedt's teachings of a second binary file name with the teachings of Reichmeyer, for the purpose of improving the ability of a network "... to propagate configuration information from the configuration server to the network device..."

Since Reichmeyer does not provide any teaching of any binary file, i.e. control software, file name, it would not be possible to teach creating a second file name and there would be no reason to combine teachings from any reference concerning creating a second file name.

Synnestvedt also provides no teaching concerning control software or binary code. As noted by the Examiner, at Col. 5, lines 28-32, Synnestvedt lists various items that may be included in a configuration file. Control software or the name of a control software file does not appear in this list. Since Synnestvedt provides no teachings concerning control

software files or file names, it could not provide a teaching concerning creating a second control software file name.

The only teaching Synnestvedt provides about file names concerns the file names for DOCSIS files that are configuration files, not control software files. The teachings concern a comparison of file names to determine if files or requests for files are valid. Synnestvedt does not teach creating new file names by substituting model ID numbers.

From the above remarks, it is clear that there would be no reason to combine the Synnestvedt and Reichmeyer references as suggested and if such combination was attempted, it would not result in the invention as covered by claim 1. Claim 1 is clearly patentable over the cited references. Since claims 2-9 depend from and further limit claim 1, claims 2-9 are also allowable over the cited references.

Claim 10 was rejected over the Reichmeyer and Synnestvedt references on essentially the same basis as claim 1. The Applicant submits that the above remarks concerning the references clearly demonstrates that claim 10 is allowable over the references. An important distinction is that the references deal entirely with configuration files and provide no teachings of control software files, of downloading control software files, or of providing names of control software files to facilitate downloading such control software files.

Since claims 11-18 depend from and further limit claim 10, the Applicant submits that claims 11-18 are also clearly patentable over the cited references.


The Commissioner is hereby authorized to charge payment of any further fees associated with any of the foregoing papers submitted herewith, or to credit any overpayment thereof, to Deposit Account No. 21-0765, Sprint.

Applicants respectfully submit that the present application as amended is in condition for allowance. If the Examiner has any questions or comments or otherwise feels it would be helpful in expediting the application, he is encouraged to telephone the undersigned at (972) 731-2288.

Respectfully submitted,
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Date: April 12, 2005

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